

Patent
Serial No. 10/509,233
Amendment in Reply to Office Action of February 14, 2006

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated February 14, 2006. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-20 were currently pending in the Application. Claims 21 and 22 are added by this amendment. Claims 1, 15, 18, 21 and 22 are independent claims.

The Applicants would like to thank the Examiner for the indication that claims 5 and 7 are allowable if submitted in independent form including the limitations of the base and intervening claims. New claims 21 and 22 are respectively Claims 5 and 7 in such a form. Accordingly, allowance of claims 21 and 22 is respectfully requested.

In the Office Action, the drawings are objected to because FIG. 1 has empty boxes that should be labeled. In response, labels have been added to the boxes in FIG. 1. A Replacement Sheet including FIGS. 1, 2A and 2B is enclosed. Applicants respectfully request withdrawal of the drawing objection and approval of the enclosed proposed replacement drawing sheet.

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The abstract is objected to for informalities. A replacement abstract is included herein in proper U.S. format. It is respectfully submitted that the abstract is now in proper U.S. form and an indication to that effect is respectfully requested.

In the Office Action, it is suggested that headings be added to the specification. Applicants gratefully acknowledge the suggestion, however respectfully decline to add the headings as they are not required in accordance with MPEP §608.01(a). Accordingly, it is respectfully requested that this objection to the specification be withdrawn.

Claims 1-3, 5-8, 10-13 and 15 are objected to for informalities. Claims 1-3, 5-8, 10-13 and 15 are amended herein in accordance with the Examiner's suggestion to cure these informalities. Accordingly, it is respectfully submitted that Claims 1-3, 5-8, 10-13 and 15 are now in proper form and it is respectfully requested that these objections be withdrawn.

Claims 1, 15 and 18 are rejected under 35 U.S.C. §112, second paragraph as being indefinite due to a lack of antecedence basis for the term "the channel bit ...". Claims 1, 15 and 18 are amended herein to cure the noted problem. In addition, the claims are amended herein to be in proper U.S. form, including changing

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"characterized ..." to "wherein", changing English spelling to proper U.S. spelling, and putting claims into proper U.S. method form, etc. These amendments to the claims are not made herein for the purposes of patentability and therefore, the Applicants respectfully submit that the claims are entitled to a full range of equivalents under the doctrine of equivalents. Accordingly, it is respectfully submitted that the claims are now in proper form including antecedence and an indication to that effect is respectfully requested.

Claim 1 is rejected under 35 U.S.C. §112, second paragraph since claim 1 recites "method of writing" while claim 12 has the limitation "used for mastering ...". It is alleged that it is unclear specifically what is being claimed. This rejection is respectfully traversed. It is respectfully submitted that nothing is unclear about the claims as presented. Claim 1 is drawn to a method of writing information to an optical recording medium ... Claim 12 further limits this method to a method for mastering a record carrier. Mastering a record carrier is a term of art that is understood to mean to produce a record carrier as a master record carrier or as understood to be a record carrier that may be utilized for producing other "copy" record carriers. It therefore

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is respectfully submitted that claim 12 is clear as submitted and an indication to that effect is respectfully requested.

Claims 1-4, 8-10, 12-15, 17, 18 and 20 are rejected under 35 U.S.C. §102(b) as anticipated by European Patent No. EP 0553573 to Nomoto ("Nomoto"). Claim 11 is rejected under 35 U.S.C. §103(a) as unpatentable over Nomoto in view of European Patent No. EP 484132 to Chandler ("Chandler"). Claims 6, 16 and 19 are rejected under 35 U.S.C. §103(a) as unpatentable over Nomoto in view of U.S. Patent No. 5,553,038 to Spruit ("Spruit"). These rejections are respectfully traversed.

Nomoto shows pit patterns that are formed as a combination of connected pit patterns. For example, see Nomoto, FIGs. 5B, 6, 7B 7C, 8 and an exemplary corresponding section on page 5, lines 16-20. Herein it is made clear that the information pit (data area) is shown as "1" in FIG. 7C which is surrounded by a non-data area 5. This is in fact shown and described in each of the embodiments of Nomoto.

The Method of Claim 1 is not anticipated or made obvious by the teachings of Nomoto. For example, Nomoto does disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "wherein incomplete mark areas are

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formed by surrounding a non-data area with a data area" as required by Claim 1, and as substantially required by each of Claims 15 and 18.

Based on the foregoing, the Applicants respectfully submit that independent Claims 1, 15 and 18 are patentable over Nomoto and notice to this effect is earnestly solicited. Claims 2-14, 16, 17, 19 and 20 respectively depend from one of Claims 1, 15, and 18 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded. In addition, Applicants respectfully reserve the right to reintroduce subject matter

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canceled previously, at any later time of continuing prosecution of this or further applications related hereto.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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Enclosures: 1. Proposed Replacement drawing
2. Authorization to charge credit card \$400 for two additional independent claims in excess of independent claims previously paid

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